

108TH CONGRESS  
1ST SESSION

# H. R. 1291

To amend the Public Health Service Act to include State high risk pool insurance programs in the list of covered entities that receive reductions in the prices charged for prescription drugs under the prescription drug pricing agreements under section 340B of that Act.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2003

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to include State high risk pool insurance programs in the list of covered entities that receive reductions in the prices charged for prescription drugs under the prescription drug pricing agreements under section 340B of that Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “State High Risk Pool  
5       Drug Assistance Program Act of 2003”.

1 **SEC. 2. INCLUSION OF STATE HIGH RISK POOL INSURANCE**  
2 **PROGRAMS AS A 340B COVERED ENTITY.**

3 Section 340B(a)(4) of the Public Health Service Act  
4 (42 U.S.C. 256b(a)(4)) is amended by adding at the end  
5 the following:

6 “(M) A State-operated qualified high risk  
7 pool that provides for premium rates and cov-  
8 ered benefits for such coverage consistent with  
9 standards included in the National Association  
10 of Insurance Commissioners Model Health Plan  
11 for Uninsurable Individuals, subject to such  
12 conditions as the Secretary may establish by  
13 regulation, which shall include the following:

14 “(i) The pool establishes criteria for  
15 individuals eligible to obtain benefits  
16 through the pool.

17 “(ii) Eligible individuals are given a  
18 card identifying them as high risk pool  
19 members.

20 “(iii) Pharmacies that fill prescrip-  
21 tions for eligible individuals may bill the  
22 administrator or pharmacy benefit man-  
23 ager of the pool.

24 “(iv) The pool has a direct relation-  
25 ship to the eligible individual that in-  
26 cludes—

1 “(I) maintaining records of the  
2 individual’s health care claims; and

3 “(II) the receipt by the individ-  
4 uals of health care services from con-  
5 tracted network providers.

6 “(v) The pool serves at least individ-  
7 uals who would be eligible under the provi-  
8 sions of any of subparagraphs (A) through  
9 (L) but for level of income.

10 In the case of such a pool, nothing in clause (v) shall  
11 be construed as limiting the application of the agree-  
12 ment under this section to individuals described in  
13 such clause.”.

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